CF 1801 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

W.P. No. 3883 /2004

PETITIONER : BALDAU SINGH PATEL
S/o Shri N.K. Patel,
Aged about 41 years,
Assistant Teacher,
Primary School, Surajpura,
Block Berla,
District Durg (CG).

Vs

RESPONDENTS :1) STATE OF CHHATTISGARH
Through : Secretary,
Education Department,
DKS Bhawan,
Raipur, C.G.

2) Collector Durg,
Distt. Durg, C.G.

3) District Education Officer,
Education District Bemetara,
District Durg, C.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(25)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.3883 OF 2004

Petitioner : Baldau Singh Patel

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Vimlesh Bajpai, counsel for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Assistant Teacher in the Primary School, Suraipura Berla has been transferred to the Primary School Botebod Nawagarh, Block Nawagarh, vide order dated 31-7-2004 (P-1).

2. This Court, vide interim order dated 30-11-2004, granted stay of the effect and operation of the impugned transfer order dated 31-7-2004 (P-1) and the petitioner was allowed to continue till the next date of hearing.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the

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impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal